



## STAFF REPORT

**MEETING DATE:** August 27, 2025

**PRESENTER:** Jesus A. Gonzalez, City Engineer

**SUBJECT:** Resolution Approving Final Map, Subdivision Agreement, Right-to-Farm Covenant, Landscape and Lighting District Covenant and Accepting Dedication of Right-of-Way for Public Street and Utility Purposes for Vesting Tract Map No. 6447 (JG)

**RECOMMENDATION:** Council by motion adopt resolution pertaining to Tract No. 6447 as follows:

1. Approving Final Map and Subdivision Agreement
2. Approving Covenant Acknowledging Right To Farm Law
3. Approving Covenant Accepting Annexation into Landscape and Lighting District No. 1
4. Accepting Dedication of Right-of-Way for Public Street and Utility Purposes
5. Authorizing the Mayor and City Manager to sign the Subdivision Agreement and Covenants as appropriate.

### EXECUTIVE SUMMARY:

Joseph Crown Construction and Development, Inc. (Crown), submitted Vesting Tentative Subdivision Map 2023-02 (VTM 2023-02), proposing to subdivide approximately 29 acres located on the north side of Kearney Boulevard, approximately 1,000 feet west of Siskiyou Avenue. VTM 2023-02 consists of one hundred and sixty-three (163) single-family residential lots and one (1) outlot for future development of a domestic water well. VTM 2023-02 was approved by the Planning Commission on July 15, 2024 and City Council on September 25, 2024.

In the time since approval of VTM 2023-02, Crown has submitted Final Map No. 6447 (FM 6447) improvement plans, and required technical documents for the subdivision as well undergone the Fresno Local Agency Formation Commission's annexation process for expanding the City limits to encompass the development. The final map and plans have been reviewed and deemed technically correct by City Staff.

In order for the final map to be approved and subsequently recorded, Crown is required to enter into a subdivision agreement with the City. The subdivision agreement requires Crown to post improvement and warranty securities in favor of the City, as required by Government Code Section 66462, to ensure completion of the improvements. The basis for these securities is the total estimated cost for all improvements required to be completed by the developer to satisfy the conditions of approval for the tentative map.

In addition, the subdivision agreement specifies the development impact fees to be paid by Crown and the timing of collection by the City as well as stipulates fair share costs for improvements outside of the development impact fees program. Substantial completion (i.e. all utilities completed and tested, streets paved, street lighting installed, and any other improvements necessary to protect public health, safety, and welfare) of the improvements is required by March 1, 2026. No certificates of occupancy for homes within the subdivision will be granted until the improvements are deemed substantially complete by the City Engineer.

A policy of the City of Kerman is to preserve, protect, and encourage development of its agricultural land and industries. Consistent with its policy, FM 6447 is subject to conditions of approval for recordation of a Right-to-Farm covenant. The covenant ensures FM 6447 is not developed, used, or maintained in such a way as to adversely affect adjoining properties. Additionally, it serves as disclosure of inconveniences and discomforts resulting from normal farming activities affecting properties adjoining FM 6447. Approval of the covenant will result in its recordation for running parallel with parcels resulting from FM 6447.

FM 6447 is subject to conditions of approval for installation of streetlights, landscaping and irrigation (improvements) in public right-of-way. The City's Landscaping and Lighting District (LLD) No. 1 maintains said improvements and pays for electrical costs related to their operations. As such, the conditions of approval also require Crown to annex the subdivision into LLD No. 1. The LLD annexation underwent an initiation process, approved by Council on June 11, 2025, for establishing improvements maintenance costs to each lot within FM 6447. On June 25, 2025 a public hearing was held, confirming the costs and ordering FM 6447 annexation into LLD No. 1. FM 6447 is subject to a condition of approval for recordation of a LLD covenant. The covenant ensures FM 6447 is annexed into LLD No. 1 per the LLD annexation process, and serves as disclosure to future buyers of said requirements. Approval of the covenant will result in its recordation for running parallel with FM 6447.

#### **FISCAL IMPACT:**

Permit fees were collected at the time of issuance of a grading permit. Development impact fees due for each residential unit constructed will be collected at the date of issuance of certificate of occupancy for each unit. Since VTM 2023-02 was approved as a Vesting Tentative Subdivision Map, development impact fees will be paid at the rate in effect at the time of approval (September 2024). If all development impact fees are not paid within two years of the date the final map is recorded, then those outstanding fees will have to be paid at the rate in effect at the time of collection.

#### **ATTACHMENTS:**

- A. Resolution
- B. Final Map No. 6447